



# राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, ८ दिसम्बर, १९६७/१७ अग्रहायण, १८८६

## GOVERNMENT OF HIMACHAL PRADESH

### OFFICE OF THE HIMACHAL PRADESH MARKETING BOARD, SIMLA

#### NOTIFICATION

*Dated Simla-5, the 4th October, 1967*

**No. 20-4/67-Agr.-II.**—Model Bye-laws framed by the Himachal Pradesh Marketing Board under section 28 of the Patiala Agricultural Produce Markets Act, 2004 BK (XIV of 2004 BK) as extended to the Union territory of Himachal Pradesh are hereby published below for general information. These Bye-laws shall come into force from the date of their publication in the official Gazette and shall apply to all the market areas of the Union territory of Himachal Pradesh notified under the said Act.

#### MARKET COMMITTEES BYE-LAWS

**1. Short title.**—These Bye-laws, shall be called the Market Committee Bye-laws, 1967.

**2. Definitions.**—In these Bye-laws, unless there is anything repugnant in the subject or context:—

(a) “The Act” means the Patiala Agricultural Produce Markets Act, 2004, 1947-48 (No. XIV of 2004, BK) as extended to the Union territory of Himachal Pradesh;

(b) “The Committee” means a market committee constituted under section 7 of the Act;

(c) “Licensee” means a person to whom a licence has been granted in exercise of the powers conferred by the Act;

(d) "Rules" means the rules made in exercise of the powers conferred by section 27 of the Act;

(e) "*Kacha Arhtiya*" means a dealer, who in consideration of commission offers his services to sell agricultural produce belonging to growers or others;

(f) "*Pacca Arhtiya*" means a commission agent who sets up, establishes or continues or allows to set up, established or continued any place in a notified market area for the sale and purchase of agricultural produce;

(g) "Warehouseman" means a person who stores agricultural produce for himself for selling, at some future time or stores agricultural produce belonging to others in lieu of storage charges in the same form;

(h) "Vegetables" mean agricultural produce such as potatoes, onions, garlic, turmeric, green peas, tomato and cauliflower, or any other types of vegetables which the Himachal Pradesh Marketing Board may notify from time to time;

(i) "Authorised weights" mean the metric weights manufactured by such persons or firms as have been duly authorised in this behalf and have been corrected and stamped by the Inspectors of Weights and Measures of Himachal Pradesh and are embossed with 'Himachal Pradesh' in the bottom hole.

**3. Headquarters.**—The headquarters of a Committee shall be at the place specified in the notification issued under section 7 of the Act.

**4. Time and place of a meeting:**—A meeting of the Committee shall ordinarily be held at the office of the Committee, at least once in three months on a date and at time fixed by the Chairman. The Chairman, may at his own discretion, and shall on the requisition in writing of not less than half the total numbers of the members of the Committee, call an emergent meeting of the Committee to transact business of importance. The Chairman may, for administrative convenience in matters of routine and of urgent and important business which cannot be delayed till an urgent meeting can be called, obtain the opinion of the members of the Committee by circulation of the relevant papers among its members. Such papers along with the action taken shall be placed before the Committee at its next meeting for confirmation.

**5. Manner of convening a meeting and of giving notice thereof.**—Notice of every meeting, with the agenda shall be issued by the Chairman at least fifteen days before the date of the meeting. Every such notice shall state the place, the day and the hour of the proposed meeting. Papers relating to any subject included in the agenda of any meeting shall be opened for inspection by any member at the office of the meeting during the usual office hours. Any emergent meeting convened, under Bye-law 4, by the Chairman of his own accord or at the instance of the members may be held at shorter notice of not less than 24 hours.

**6. Conduct of proceedings at a meeting.**—(1) Any member wishing to bring any proposition before the Committee shall give written intimation to the Chairman of his intention to do so and shall also send a draft of the proposition so as to reach the Chairman at least three days before the date of the meeting, which shall then be included in the agenda for the meeting.

(2) Any matter which is not included in the agenda shall not be brought forward for discussion at any meeting except with the consent of the majority of the members present.

(3) Every proposition, other than the one brought-up officially by the Chairman and every amendment, shall be proposed by one member and seconded by another, and until so proposed seconded and reduced to writing under the directions of the Chairman of the meeting, no proposition or amendment shall be discussed.

(4) Any amendment may be moved after the original proposition has been duly made, seconded and recorded.

(5) Every proposition or amendment so moved shall be recorded in the minutes of the proceedings with the names of the proposer and seconder.

(6) When a proposition or amendment has been duly proposed, seconded and reduced to writing, the members present shall be entitled to discuss the same, provided that, except with the special permission of the Chairman, no member shall speak more than once on any proposition or amendment thereof until all the members present, desirous of speaking, have had their turn. After all members desirous of speaking have had their say, the mover of the proposition or amendment shall be entitled to reply.

(7) When an amendment has been brought to any proposition, the amendment shall be put to the vote first. If it is carried, it shall become a substantive proposition and shall be put to the vote as such. If it is not carried, the original proposition shall be put to the vote. When there are more amendments than one, they shall be put in the order reverse to that in which they were proposed.

(8) The Chairman shall be entitled to speak and vote on all questions at a meeting. Voting by proxy will not be permissible. Any member may decline to vote on any subject without assigning any reason therefor. Voting shall ordinarily be done by show of hands, but the Chairman may, at the request of any member, direct that in any particular case votes shall be taken by ballot.

(9) If any one or more members present at a meeting refuse to obey the ruling of the Chairman on any matter, he may adjourn meeting at once, and when he has declared the meeting once adjourned on this ground the subsequent proceedings of the meeting, if any, shall be void, and shall not appear in the minutes. In all such cases, the Chairman shall record in his own handwriting in the minute book the reason for the adjournment unless he is prevented by sufficient cause from so doing.

(10) After calling the attention of the meeting to the conduct of a member who persists in speaking or in arguing upon a matter which, in the opinion of the Chairman is irrelevant, or in repeating his own arguments or the arguments used by other members the Chairman may direct the member concerned to discontinue his speech.

(11) The Chairman may direct any member whose conduct in his opinion is disorderly to withdraw immediately from the meeting, and any member so ordered to withdraw shall do so forthwith and shall, unless recalled by the Chairman, absent himself during the meeting. The Chairman may cause to be summarily removed any member who disobeys an order to withdraw made under this Bye-law.

(12) When a proposition or amendment has been declared by the Chairman as duly carried, no further proposal for amending it shall be entertained at that meeting.

(13) A resume of every discussion with the number of votes for or against each motion or amendment shall be recorded by the Chairman or under his direction and supervision.

(14) Every member shall be at liberty to call the attention of the Chairman to a point of order even when a member is speaking on a point of order being raised. The member addressing the meeting shall resume his seat until the question has been declared by the Chairman.

(15) Except with the recorded consent of not less than 5/9 members of the Committee, no subject once finally disposed of shall be reconsidered within three months.

(16) All the proceedings shall be recorded in English or Hindi according to the convenience of the Committee.

(17) A record of the proceedings shall be prepared by or under the order and supervision of the Chairman thereof and shall be signed by him. The proceedings shall then be placed before the next meeting for confirmation.

(18) A copy of the proceedings shall be placed in the office of the Committee for reference by the members thereof, and shall at all reasonable times and without any charges be open to their inspection.

(19) The Chairman may for sufficient reasons, adjourn any meeting from time to time, but no business other than that left over at the previous meeting shall be transacted at the adjourned meeting unless a separate notice and a separate agenda have been issued in respect thereof in accordance with Bye-law No. 5.

(20) If quorum of any meeting is not complete within half an hour of the appointed time of the meeting, the meeting shall be taken to have been adjourned.

(21) Any member who fails to attend three consecutive meetings of the Committee without reasons that are beyond his control may be removed from the membership by the Himachal Pradesh Marketing Board on the report of the Secretary or Chairman of the Market Committee.

**7. Appointment of the Sub-Committees and their duties.**—(1) As and when necessary, the following Sub-Committees may be appointed by the Committee the membership of which should preferably be not less than three in each case:—

- (a) An Executive Sub-Committee.
- (b) A Works Sub-Committee.
- (c) A Weights and Measures Sub-Committee.
- (d) Disputes Sub-Committee.

(2) While setting up a Sub-Committee the Committee shall define its duties and powers in clear terms and fix the quorum for its meetings.

(3) Subject to the provisions of the Act and the rules framed in this behalf members of the Sub-Committee appointed under the rules or these Bye-laws shall be elected by the Committee in a regular meeting.

(4) The Secretary of the Committee, or in his absence such other employee as may be appointed by the Chairman of the Committee shall act as Secretary to all the Sub-Committees.

(5) (a) *Executive Sub-Committee.*—Subject to such other duties as may be assigned to it, an Executive Sub-Committee, acting on the general instructions from the Committee, shall arrange daily to publish the opening rates for the day and submit proposals to the Committee for the collection and distribution of market information to the market and outside places in order to keep all concerned informed of market conditions.

(b) *Works Sub-Committee.*—Subject to such other duties as may be assigned to it a works Sub-Committee, shall prepare draft budgets, plans

and estimates for the constructions and repairs of premises etc. for submission to the Committee.

(c) *Weights and Measures Sub-Committee*.—Subject to such other duties as may be assigned to it a Weights and Measures Sub-Committee shall:—

- (i) As soon as possible after its constitution check all weights, measures and scales in use in the notified market area for weighing or measuring agricultural produce and enter the result of such checking in a register in Form-I appended to these Bye-laws;
  - (ii) take possession of all scales, weights and measures as are found to be incorrect or unauthorised and proceed under rule 38;
  - (iii) Check all weights, measures and scales mentioned in (a) above at least every six months in accordance with the procedure laid down in (a) and (b) above;
  - (iv) Check, subject to the procedure laid down in (a) and (b), any weights, measure or scale when any application in writing accompanied by fee of 0.50 paise per set of weights or measures and scales as the case may be, is made in this connection by the owner or any body else suspecting such weights, measures or scale to be incorrect;
  - (v) Arrange surprise checks of weights, measures and scales.
- (d) *Disputes Sub-Committee*.—(1) Every Market Committee shall constitute a Disputes Sub-Committee consisting of:—
- (i) One nominated member of the Committee—*Chairman*.
  - (ii) One representative of the growers on the Market Committee
  - (iii) One representative of the dealers on the Market Committee.
  - (iv) One representative of the local authority on the Market Committee or any other member of the market Committee if there is no representative of the local authority.
- (2) The Disputes Sub-Committee shall hold office until appointment of another Sub-Committee.
  - (3) It shall be the duty of the Sub-Committee to arrange for the settlement of disputes between buyers and sellers or their agents.
  - (4) Two members shall form a quorum at the meeting. The meeting shall be presided by the Chairman appointed under Bye-law 7(5)(d) (1) and in his absence by any other member elected by the Committee to preside over the meeting.
  - (5) Each member shall have one vote only but in case of equality of votes, the Chairman shall have a casting or second vote;
  - (6) All questions before the Committee shall be decided by the vote of majority of members present at the meeting and this decision shall be final.

NOTE.—Dispute shall include disputes regarding the quality or weight of the articles, the allowance for wrappings, containers, dirt or impurities or deductions from any cause.

8. *Licence fee for brokers and warehousemen*.—(1) Licence fee for a broker dealing in agricultural produce shall be rupees 5 per year.

(2) The licence fee for a warehouseman dealing in agricultural produce shall be rupees 10 per year.

9. *Fee for licensing weighmen, measurer or surveyor*.—Any person

wishing to work as weighman, measurer or surveyor shall obtain a licence on payment of a fee of Re. 1.00 per year.

**10. Duties of licensed weighmen, measurer and surveyor.**—(1) A licensed weighman or measurer shall correctly weigh or measure, agricultural produce, as the case may be, brought to him for weighment or measurement.

(2) Every licensed weighman, measurer and surveyor shall deposit a sum of rupee one with the Committee, to cover the cost of the badge to be issued to him. The deposit shall be refundable to him when the badge is returned to the Committee in good condition and the Secretary or the Committee shall be sole and final Judge of whether the badge has been returned in good condition or not. The badge shall be returned to the Committee within three days of the expiry, suspension or cancellation of the licence.

(3) The badge shall not be transferred to any other person and the Secretary shall be the sole judge whether the badge has been transferred or not.

(4) The seller shall have the option to get his agricultural produce weighed by any licensed weighman or the weighman appointed by the market Committee.

**11. Payment at the office of the Committee.**—(1) A sum due to the Committee shall be paid at its office during working hours.

(2) Fee Collector of the market Committee shall, ordinarily on behalf of the Committee, sign and issue receipts therefor provided that in his absence the Secretary himself or any other employee authorised by the Secretary shall receive the payment.

(3) All payments made at the office of the Committee shall be receipted, checked and disposed of as laid down in the rules so far as they may be applicable.

**12. Remuneration of different functionaries.**—(1) For services actually rendered by them in connection with any transaction of sale and purchase of agricultural produce the different functionaries in all the market Committees will not receive or charge any remuneration in excess of the rates specified below and any one acting contrary to it shall be considered to have violated rule 28.

(a) *Commission or arhat.*—(i) Rs. 1.50 per cent of the value of the agricultural produce on foodgrains, millets, spices, *gur* and *shakkar*, cotton, ginger-dry and fresh and oilseeds except vegetables and fruits to be charged from seller.

(ii) In case of vegetables Rs. 3.00 per cent chargeable from sellers only in all markets.

(iii) In case of fruits Rs. 4.00 per cent chargeable from sellers.

(b) *Weighment or tolai.*—(i) 5 paise per 40 Kg. of the agricultural produce traded on loose or bulk basis on all commodities in all market areas in Himachal Pradesh to be charged from sellers.

(ii) 10 paise per full bag of agricultural produce traded on standard bag basis, weight as prescribed under Bye-law 17 B to be charged from sellers in all markets.

(iii) In case of cotton to be weighed by beam scale 10 paise per 40 Kg. to be realised from the sellers in all markets.

**NOTE.**—Weights, measures and weighing instruments shall be provided by the licensed dealer for weighment of every agricultural produce which is sold through him.



(c) *Chhannai or sorting charges*.—A—through bamboo or cane slats 0.05 paise per 40 Kgs. per *Chhannai* for the first *Jhar* (cleaning) and 0.03 paise per 40 Kgs. per *Chhannai* for the second *Jhar* to be charged from sellers in all market areas.

NOTE.—No. 1. Cleaning process shall be adopted only with the consent of growers/sellers.

No. 2. Second *Jhar* shall be done whenever needed as in case of *Beirah* (Gram, Barley and Wheat mixture).

B. In case of potato the sorting charges shall be @ 0.25 paise per 75 Kgs.

(d) *Palledari or Mazduri*.—(i) 0.12 paise per bag of agricultural produce weighed in all cases except *gur*, *shakkar* and cotton to be charged from sellers in all markets.

NOTE.—The term *Mazduri* includes, piling, dressing, rolai, charhawa sweeping, stitching and stacking. The local market committee shall specify remuneration charges for all the functionaries within the above charge according to the conditions in different markets.

(ii) In case of *gur-shakkar*, cotton, *palledari* and charhawa charges shall be 0.05 paise per 40 Kgs.

NOTE.—The seller will be entitled to a remission of *palledari* charges if he himself unloads, piles and dresses the agricultural produce.

(iii) 0.12 paise to 0.25 paise shall be the charges for loading or unloading. The Market committee shall specify remuneration charges within this limit according to the local conditions. The unloading charges shall be paid by the seller and loading charges by the buyer.

(2) *Engagement of market functionaries*.—It will not be necessary for any seller of agricultural produce to engage any one of the functionaries entered under Bye-law 12 (1) above unless he wishes to do so and no one shall pay or be required to pay for a functionary who has not, in fact, been engaged.

### (3) ALLOWANCE OR DEDUCTION

No allowance, deduction or charges or remuneration of any kind and in any form (cash or kind), not permitted by Bye-laws, shall be allowed in connection with any transaction of sale or purchase of agricultural produce either from the seller or the buyer.

### (4) PAYMENT TO MARKET FUNCTIONARIES

The dealer shall be responsible for the immediate disbursement of the amount so realised to the functionaries employed in the transaction.

### (5) DELIVERY

(i) It shall be binding on the buyer to take delivery of the produce immediately within 24 hours after the sale and make payments of the sale proceeds to the Kacha Arhtiya/seller as soon as the delivery is taken.

(ii) *Advances to Growers*.—All Kacha Arhtiyas/dealers shall keep a separate account book in respect of each borrower for the advances given and repayments made in the Form II appended to these Bye-laws.

### (6) RECEIPT

Every dealer or commission agent receiving remuneration himself or on behalf of other functionaries etc. shall immediately prepare a receipt in Form III appended to these Bye-laws for the amount so received by him in triplicate, one for the seller, second for the market committee and third to be retained by him.

#### (7) STORAGE CHARGES

Charges for storage shall not be charged from the sellers if the goods are kept in the godowns or shops for the purpose of sales, for the first 3 days, whereafter shall be charged at the rate of one paise per bag per day from the date of the receipt of the goods.

**13. Order or refusal to grant or suspend or cancel licence to be recorded.**—Every order of the Committee refusing the grant or suspending or cancelling licences shall be recorded in writing in a brief statement with reasons for the same. A copy of such order with reasons therefor shall, on application made by him, be supplied to the person concerned on payment of a fee of 0.25 paise.

**14. Trade allowance.**—(1) The following trade allowances only shall be liable within the market in the case of spot or ready transaction:—

(i) Tare.—The exact weight of the gunny bags or of the packing material used.

(ii) Full adjustment of increase or decrease in the weight of the produce shall be accounted for immediately after the weighing is complete.

(2) Each item of trade allowance, charged under sub-clauses (i) and (ii) above, shall be separately mentioned in the receipt issued in Form-III appended to these Bye-laws.

(3) All samples shall be paid for.

**15. Market hours.**—Subject to the provisions of any law for the time being in force in regard to the opening and closing hours or in regard to closed days, the market shall remain open for business during such hours as may from time to time be fixed on all days, during the trade season as may be notified by the Committee except on days notified by the Committee with the previous approval of the Himachal Pradesh Marketing Board as holidays or as closed days.

**16. Method of sales.**—(1) The method of sale in the market shall be (a) either by open auction or (b) by open negotiation, if the open auction is not possible. In both the cases, the agricultural produce brought for sale shall be graded on the basis of the 'AGMARK' or commercial grades as may be prescribed by the market Committee. A buyer shall be considered to have thoroughly inspected the agricultural produce for which he has bid/settled price and he shall not retract from it.

(2) No deduction shall be made from the consignment except as laid down under Bye-law-14.

(3) In case of open auction the bids will be for a quintal in multiples of 0.25 paise in case of potato, ginger and fruits and in multiples 0.05 paise for other agricultural produce.

**17. Weighment and measurement of agricultural produce by market Committee.**—(a) Agricultural produce brought into the market merely for the purpose of weighing or measurement may be weighed or measured free, at the weigh-bridge, scales or measuring yard, if maintained by the Committee.

(b) For the purposes of sale and purchase in the notified market area the net weight of agricultural produce in a bag shall be as noted below:—



Name of commodities	New weight
Wheat, Gram, Mash, Masoor, Moong, Moth, Bajara, One quintal per bag.	
Shakkar, Guara and Rice.	
Barley	80 Kgs. per bag.
Sarson, Taramira, Toria, Til, Alsi, Jowar and Maize	85 Kgs. per bag.
Onion, (When sold dry) full bag	75 Kgs. per bag.
Onion (When sold dry) half bag	40 Kgs. per bag.
Potato and Haldi	75 Kgs. per bag.
Gur (full bag)	75 Kgs. per bag.
Gur (Half bag military type)	40 Kgs. per bag.
Groundnuts	50 Kgs. per bag.
Chillies.	35 Kgs. per bag.
Cotton	20 Kgs. per bag.
Unhusked Rice (Paddy)	40 Kgs. per bag.

Provided that in case of wheat procured from Food and Supplies Department, the net weight of wheat in a bag shall be as under:—

1. One quintal in a full bag.
2. 55 Kgs. or 75 Kgs. in a 'Katta'.

Provided further that after auction/negotiation whole of the heap shall be weighed, and purchased by the buyer and nothing shall be left as unweighed. If *Kacha Arhtiya* feels any practical difficulty for the buyer to purchase the residual produce in each heap forming 'Katta' (quantity less than the net weight in a bag) he may purchase the residual produce himself at the same rate at which it was auctioned and the producer shall be paid the full price for the whole of his produce so auctioned. Due market fee shall be paid by the *Kacha Arhtiya* on this produce retained by him.

The contravention of the Bye-law shall be punishable with a fine which may extend to Rs. 50.00.

**18. Establishment.**—(1) The Secretary shall be the head of the Establishment entertained by the Committee and he shall work under control of the Chairman and in the absence of the Chairman, the Vice-Chairman of the Market Committee.

(2) Subject to rule 48 no person shall be considered for initial appointment unless he possesses the minimum qualifications required for each post as below:—

S. No.	Post with scale	Qualification
(i)	Secretary, Market Committee, in the scale of Rs. 200-20-500.	Graduate in arts with Economics preferably a Graduate or a post-Graduate in Agriculture.
(ii)	Assistant Secretary -cum- Accountant in the scale of Rs. 106-6-160/8-200.	Intermediate, preferably a Graduate but relaxable in case of candidates otherwise well qualified experienced.
(iii)	Fee Collector-cum-Assistant Accountant in the scale of Rs. 60-4-80/5-120/5-175.	Matriculate but preference shall be given to persons with higher academic qualifications and having experience in accounts and book-keeping.
(iv)	Supervisors in the scale of Rs. 60-4-80/5-120/5-175.	-do-

S. No.	Post with scale	Qualification
(v)	Peons in the scale of Rs. 30- $\frac{1}{2}$ -35.	No bar but literate persons shall be generally recruited.
(vi)	Chowkidar in the scale of Rs. 30- $\frac{1}{2}$ -35.	-do-

(3) All appointments shall be made by the Chairman, Himachal Pradesh Marketing Board.

(4) No Secretary of a Market Committee shall be confirmed in his appointment unless he passes the Departmental Examinations, prescribed by the Himachal Pradesh Marketing Board.

(5) If the Secretary of the Committee fails to avail of or does not pass in three consecutive Departmental Examinations, prescribed by the Himachal Pradesh Marketing Board, his services shall be dispensed with by the Board.

(6) No employee of the Committee shall be allowed to leave his headquarters permanently or proceed on official duty outside Himachal Pradesh without the prior sanction of the Chairman, Himachal Pradesh Marketing Board or the Secretary, Himachal Pradesh Marketing Board.

(7) The rules applicable to Himachal Pradesh Government servants and amended from time to time shall be applicable to employees of the Market Committee in the matter of leave, allowances, gratuities or a compassionate allowance etc. and punishment and appeal, in so far as these may be applicable:

Provided that no permanent employee of a Market Committee shall be suspended, reduced or dismissed except subject to the approval of the Chairman, Himachal Pradesh Marketing Board.

(8) When it is proposed to dismiss any employee of a Market Committee the charges against him shall be framed in writing, and together with the evidence which he may produce in his defence, shall be received and a separate finding shall be recorded in respect of each charge.

(9) No person shall be appointed as an employee of a Market Committee save in pursuance of a resolution of the Committee and no employee shall be suspended, reduced or dismissed save in pursuance of such a resolution.

(10) An appeal against the order of the Secretary or Chairman shall lie to the Committee and an employee aggrieved against the order of the Committee may further appeal to the Himachal Pradesh Marketing Board in accordance with rule 19 of the Himachal Pradesh Agricultural Produce Markets Rules, 1962.

(11) The Market Committee shall start a provident fund for the benefit of its employees and every permanent servant of the Committee shall be required to subscribe 10 per cent of his pay. An equal amount shall be contributed by the Market Committee to the provident fund of its subscribers at the close of every month. Other rules of provident fund shall be the same as are revised and sanctioned from time to time for other employees of the Himachal Pradesh Government.

(12) A servant of the Committee permitted to receive or handle money on behalf of the Committee shall before entering on his duties furnish a cash security of Rs 500.00 or equal to four times the amount which he is expected to handle within a week, whichever is greater. The Chairman shall be the final authority to determine the amount which a servant is expected to handle within a week, on behalf of the Committee.

In exceptional circumstances the Chairman may allow a servant of the Committee, permitted to receive or handle money on its behalf to furnish in place of each security, a personal security, if the total sum to be

handled by the said servant is not very large and the Chairman is satisfied that the personal security is adequate and satisfactory.

**19. Management of the property vesting in or owned or controlled by the Committee.**—The Committee may, and if so required by the Himachal Pradesh Marketing Board shall, in respect of property owned by it, or vesting in it or being under its management for the time being, by an order make or specify conditions subject to which, purposes for which, and times at which alone these shall be used or frequented and may also prescribe the conduct of persons, frequenting such property or using facilities provided thereby may prohibit certain acts by the such persons as aforesaid, keeping in view the safety, upkeep or sanitation of such property or the building situated around it. Any such person whose conduct, in the opinion of Chairman, Secretary or a member of the Committee or the person in-charge of such property, is against the one prescribed by such an order, shall on requisition for any of these persons (Chairman, Secretary or a members of the Committee or person-in-charge of the place, building or the property) vacate such property forthwith.

Contravention of or non-compliance with any such order or requisition shall, on conviction, be punished with a fine which may extend to Rs. 50.00.

**20. Travelling Allowance to Chairman and members of the Committee.**—Actual bus fare or second class railway fare may be paid to the Chairman/members of the Market Committee.

Daily allowance, to the Chairman and the members of the market committee would be paid at the rate of Rs. 3.00 and Rs. 2.50 respectively.

If the Chairman and the members are residing within the Municipal limits or within a radius of 5 miles from the place of meeting, the daily allowance would be paid at the rate of Rs. 2.50 and 2.00 respectively per meeting.

**NOTE:**—Respective Market Committee should make proper lodging arrangements for members.

**21. Delegation of powers to sign licences etc.**—The Chairman may assign to the Secretary of the Committee the duty of signing licences issued by and registers and other documents maintained or prepared by and on behalf of the Committee.

**22. Reception, hearing and disposal of complaints.**—(1) A complaint within the cognizance of the Committee or any Sub-committee shall be made in writing at the office of the Committee to the Secretary and in his absence to such person as may be appointed by the Chairman and a receipt given therefor.

(2) The persons receiving a complaint under clause (1) above shall immediately enter it in a register in Form-IV appended to these Bye-laws and place it before the Chairman of the Committee or any other person competent to entertain it.

(3) The complaint shall be enquired into after notice to the complainant and the person complained against, and after giving them an opportunity of having their say. The order disposing of a complaint shall be reduced to writing and its purport entered in the register in Form IV.

**NOTE.**—On receipt of a written complaint regarding the matter covering sale and purchase of agricultural produce in the market area the Secretary shall conduct an enquiry and shall make report to the Chairman. The Chairman shall take such steps as he thinks necessary in accordance with the provisions of the Act, rules and the Bye-laws.

**23. Imprest money and permanent advance.**—(1) The Accountant of the committee shall be allowed to keep in hand a sum not exceeding Rs. 250 00 or Rs. 150 00 in the cash of market committee consisting of 16 and 9 members respectively as Imprest money, under the supervision of the Secretary and to reimburse the same after passing of the relevant bills.

(2) Like all other income and expenditure on account of the Imprest money and expenditure met out of it shall be maintained by the Secretary under the order and supervision of the Chairman.

**24. Market fee.**—The Market Committee shall charge 15 paise per 100 Kgs. or a part thereof, as its fee on the sale or purchase of all the items of agricultural produce, which have been notified for the respective markets.

**25. Payments.**—No payment except out of permanent advance (Imprest money) shall be made by a market committee from its funds unless the bills are pre-audited from the office of the Himachal Pradesh Marketing Board. The Board shall arrange to pre-audit and pass the bills within a week after receipt in the office of the Marketing Board.

**26. Restrictions on the use of forms.**—(1) Form-III (BL. 12.6) and Forms G and H (Rule 35) bearing stamps of the market committee concerned shall only be used by the dealers.

(2) The dealers shall put in use only one book of standard forms at one time for all the sales or purchases, as the case may be, and these forms shall only be supplied by the Market Committee on payment of price as may be fixed.

(3) Every dealer shall keep the counter foils of used up standard forms for three years and produce the same on demand by Marketing Inspector, Secretary, Market Committee or any other person specially authorised in this behalf by the Secretary, Himachal Pradesh Marketing Board:

Provided that if during inspection any discrepancy with regard to the execution of issuing of the standard forms is noticed, such counterfoils alongwith un-used forms in the books may be seized and a receipt given for this seizure by the inspecting person:

Provided further that in case of such seizure the dealer shall put in use the other book of standard forms.

**27. Monthly reports.**—The Secretary of the Market committee shall be required to submit monthly report to the Himachal Pradesh Marketing Board by the 5th of each following calendar month.

**28. Meeting of secretaries.**—(1) For the effective enforcement of the provisions of the Act and for better and uniform administration of the Committees, meetings of the Secretaries of Market Committees in a circle shall be convened under the orders of the Secretary, Himachal Pradesh Marketing Board, twice in a year and held at a place and time specified by him. The Marketing Inspector of the circle shall also be present in such meetings. The procedure for such meetings will be the same as prescribed for the meetings of the market committees in so far as is applicable:

Provided that the Secretary, Himachal Pradesh Marketing Board shall be the President of every such meeting and in his absence, the members present shall elect the President from amongst themselves for that meeting.

(2) Proceedings of the meeting shall be recorded by the President of the meeting and preserved in the office of the Himachal Pradesh Marketing Board and copies sent to all Secretaries of the Market Committees.

**29. Period of Licences.**—All licences unless suspended or cancelled shall remain in force from 1st April or any subsequent date of issue till 31st March, following.

**30. Unit of quotation.**—It shall be decided by the Market Committee in accordance with the local conditions.

**31. Sale of Bye-laws.**—The Market Committee shall make available copies of Bye-laws for sale at a price to be fixed.

**32. Contravention of Bye-laws.**—Contravention of any clause of Bye-laws Nos. 10, 15, 16 and 26 shall, on conviction, be punishable with a fine which may extend to Rs. 50.00 only.

**33. Savings.**—Nothing contained in these Bye-laws shall apply to any case pending in any court or recovery proceedings thereof started under these Bye-laws.

**FORM I**  
Bye-law No. 7(5) (c)  
**REGISTER FOR CHECKING OF WEIGHTS, MEASURES AND SCALES, MARKET COMMITTEE.....**

Serial No.	Name, parentage, caste and residence of the person, if any, at whose instance the checking takes place	Description of weights, scales and measures checked	Name, parentage, caste and residence of the person from, whose possession the weights, measure or scale was recovered for checking	Result of checking	Action taken in consequence of checking	Signature of the person checking and taking action	Remarks
1	2	3	4	5	6	7	8

**FORM II**  
Bye-law 12 (5) (ii)

**Form of Account Book to be kept by licensed dealers and brokers**

Name and address of the lender.....

Name and address of the borrower.....

PARTICULARS OF ADVANCES GIVEN, INTEREST DUE, OR REPAYMENTS MADE													
Date	Particulars of advances given, interest due, or repayments made	Advances or Interest				Repayments			Balance	Attestation by the lender	Signature or thumb impression of borrower	Remarks	
		Cash	Kind		Total	Cash	Kind						Total
			Quantity	Money value			Quantity	Money value					
1	2	3	4	5	6	7	8	9	10	11	12	13	14



फार्म नं० III

(मण्डी उपनियम १२.६)

तारीख : . . . . .

लाइसेन्स नं० .....

पुस्तक नं० .....

पक्षी नं० .....

सौदे के स्थान का नाम.....

जिन्स के मालिक का नाम तथा पता: .....

खरीदार अथवा पाने वाले का नाम व पता.....

**व्योरा :-**

[illegible]

**कटीती:—**

	विवरण	दर	रकम
१	आढ़त		
२	ढलाई		
३	तुलाई		
४	गोदाम		
५	मजदूरी		
६	इलाली		
७	छनाई/छटाई		
८	बोड़		

भुगतान की रकम.....

कटौती की रकम.....

असल भुगतान . . . . .

हस्ताक्षर (विक्रेता)      हस्ताक्षर (आइती)

प्रमाणित किया जाता है कि.....

मंडी कमेटी की मद के लिये मण्डी शुल्क

रु० वसूल कर लिया है/

हस्ताक्षर (आवृत्ति)

- नोट:--(१) अगर आढ़ती/खरीदार ने माल सौदे के स्थान पर संभाल कर कीमत चुकता कर दी है तो आढ़ती मण्डी शुल्क वसूल करके कमेटी के कार्यालय में जमा करायेंगे ।
- (२) अगर माल कन्साइनमेन्ट के तौर पर किसी अन्य मण्डी में भेजा गया है तो "विवरण" में पाने वाले का नाम व पता दर्ज किया जायेगा ।
- (३) ऊपर लिखी दोनों हालतों में इस पर्व की पहली कापी बेचने वाले को दी जायेगी दूसरी कापी मण्डी कमेटी में जमा कराई जाएगी तथा तीसरी कापी आढ़ती अपने पास रखेंगे ।

(BYE-LAW 22.2)

## REGISTER OF COMPLAINTS, MARKET COMMITTEE

Serial No.	Date	Name, parentage, caste and residence of the complainant	Nature of the complaint	Name, parentage, caste and residence of person complained against	Date of decision by the Committee or Sub-Committee	Purport of the decision	Remarks
1	2	3	4	5	6	7	8

असाधारण राजपत्र, हिमाचल प्रदेश, १६६७, १७ अक्टूबर, १८८६ ३६३

